

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

---

EDDIE MARSHALL, et. al.,  
Plaintiffs

vs

OHIO DEPARTMENT  
OF EDUCATION, et. al.,  
Defendants

Case No. C-1-02-189  
(Weber, J.)  
(Hogan, M.J.)

---

**ORDER**

---

This matter is before the Court on Plaintiffs' Motion for Enlargement of Time to File Amended Complaint (Doc. 56). In their motion which was filed on June 3, 2004, Plaintiffs request an additional ten (10) days up "to and including June 23, 2004" in which to file their Amended Complaint.<sup>1</sup> (Id.).

While the original Order granting Plaintiffs' Motion to Amend Complaint failed to include a deadline by which to file said Amended Complaint, the Court issued an Order thirty days later granting Plaintiffs an additional fifteen days. It is presumed that, despite the lack of deadline in the Court's April 19, 2004 Order, Plaintiffs would have found some time during the thirty days between Court orders to work on their Amended Complaint. Moreover, Plaintiffs have been afforded an aggregate forty-five days in which to improve upon their previously submitted Amended Complaint. As such, we believe an extension of time until June 23, 2004 is unwarranted. **IT IS THEREFORE ORDERED THAT** Plaintiffs Motion for Enlargement of Time to File Amended Complaint (Doc. 56) is GRANTED in part and DENIED in part. Plaintiffs shall have up to and including June 17, 2004, in which to file their Amended

---

<sup>1</sup> By this Court's calculations, an additional ten days from June 3, 2004 brings the deadline to June 17, 2004 not June 23, 2004 as Plaintiffs state. See Fed. R. Civ. P. 6(a).

Complaint.

Due to the filing of Plaintiffs' Amended Complaint, the previously set deadlines may no longer be practicable. Therefore, this case has been set for telephonic scheduling conference on before the Honorable Timothy S. Hogan on:

**Wednesday, June 30, 2004 at 11:00 am**

Parties are to contact the Magistrate's chambers five minutes prior to 9:30 am at 513-564-7650.

SO ORDERED.

Date: 6/7/04

*s/Timothy S. Hogan*  
Timothy S. Hogan  
United States Magistrate Judge